IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 19TH JULY 2006 / 28TH ASHADHA,1928

Bail Appl..No. 4326 of 2006

(CRIME NO.112/1997 OF PARASSALA POLICE STATION)

PETITIONER/1ST ACCUSED

RUFUS, S/O JOHNSON,
KADAMPARAKAL PUTHEN VEEDU,NOCHIYOOR,
CHENKAL P.O., NEYYATTINKARA.

BY ADV. SRI.G.SUDHEER

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.M. HABEEB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4326/2006

DATED THIS THE 19TH DAY OF JULY, 2006

O R D E R

The petitioner was the first accused, in crime No.112/1997 of Parassala Police Station, the offence alleged against him and seven others, being under Sections 143, 147, 148, 427, 341 and 332 IPC read with Section 149 IPC. The petitioner was working in Signals Corps of the Indian Army, submit the counsel, and on the direction of the superior officer of the unit, where the petitioner was serving as Naik, he returned to the station. During that period, the trial was conducted in C.C.No. 946/1997, and the petitioner was absent. Other accused, who faced the trial were acquitted. However, the case against the petitioner was split up and the same is pending as C.C.No.395/2006. There is a warrant against him, issued by the Court below. Hence the application, under Section 438 Cr.P.C.

2. Heard both sides. After considering the

materials on record and also for the reason that the petitioner is since discharged from service, I direct the petitioner to appear before the Judicial Magistrate of First Class-III, Neyyattinkara, on 27.7.2006 at 11.00 a.m., and move an application for bail, after serving copy of the same to the APP of that Court, in such event, the learned Magistrate shall hear both sides and pass appropriate orders, on the same day itself, on merit.

J.M.JAMES
JUDGE

mrcs